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KAL wins libel suit against magazine

By Peter Almond
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LONDON — Korean Air Lines yesterday won what it called "substantial" libel damages from a British magazine for publishing a story suggesting that KAL Flight 007 may have been on a U.S. spying mission when it was shot down by Soviet aircraft over Sakhalin Island on Sept. 1, 1983.

The magazine, Defence Attache, and its editor Rupert Pangelley, reached an out-of-court settlement with KAL and publicly apologized for any "misunderstandings" about the article, which was picked up and reported throughout the world after it appeared last June. The magazine agreed to print the full text of the KAL complaint read to the London court yesterday, plus its own apology.

The article was written by a freelancer with apparent access to U.S. mili-

tary satellite information. It compared the route and timing of the fatal KAL flight over sensitive Soviet military installations with that of a U.S. Ferret military satellite at least 1,000 miles away and a U.S. reconnaissance aircraft, which for a time flew a parallel course.

The magazine ran a disclaimer preceding the article, claiming that "the editor does not necessarily agree with the author's view and indeed this magazine has already stated that it did not believe that KAL 007 had a 'spy' mission."

But while declaring the article was a "dispassionate analysis," the magazine's front cover said: "Korean 'spy' plane: the new evidence," and claimed to have "fresh material."

"It is hardly possible to imagine a more damaging libel upon any civil airline," said KAL lawyer Robert Webb in

the High Court yesterday.

"The implication must necessarily be that my clients permitted the use of their aircraft for such a purpose and consciously and intentionally took part in an adventure likely to result in disaster and that they were willing to disregard the welfare and safety of their passengers and staff in the course of it. Nothing could be further from the truth.

"Whatever may have been the cause of the unfortunate deviation by this aircraft from its intended route, there is no foundation whatsoever for the suggestions made in the offending article.

"The defendants fully accept that there could be no question of my clients agreeing to take part in any intelligence operation, and that Korean Air Lines would never allow the safety of their passengers and crew to be put at risk." The crash took 269 lives.

A lawyer for Defence Attache and Mr. Pangelley reiterated that they did not themselves believe KAL 007 was on a spying mission, and said that they "sincerely regretted" any misunderstanding or suggestion that KAL would consider risking the safety of its passengers and crew.

Under British law the damages and costs against Mr. Pangelley and Diplomast Associates Ltd., publishers of the specialized, 3,500-circulation magazine, were not made public. Sean Gates, lawyer for KAL, said his client was as "satisfied as any libeled party can be."

Mr. Gates said KAL was proceeding to sue a much larger and richer organization: Thames Television, for a similar libel.

In a July 19 "TV Eye" program entitled "007 — licensed to spy?" KAL alleges the London-based company libeled it partly with information drawn from the Defence Attache article.